

Nebraska's #1 Employment Resource

The Claimant's Guide to

# UNEMPLOYMENT INSURANCE BENEFITS

[NebraskaWorkforce.com](http://NebraskaWorkforce.com)



**Nebraska Claims Center**

P.O. Box 95200

Lincoln, NE 68509-5200

Phone # (402) 458-2500

Fax # (402) 458-2595

TTY-402-471-0016

NebraskaWorkforce.com

***Revised June 2009***



Equal Opportunity Employer/Program.  
Auxiliary aids and services are available upon request to  
individuals with disabilities.

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*NESL* in this booklet refers to the citations of the Nebraska Employment Security Law, which governs Unemployment Insurance. This can be viewed at:

[NebraskaWorkforce.com](http://NebraskaWorkforce.com)

-in the Information section under Laws and Regulations. Nebraska Administrative Codes (**NAC**) cited may also be viewed at the same Internet address.

# FILING FOR WEEKLY BENEFITS

We are now processing your Nebraska Unemployment Insurance Claim. Unemployment Insurance is a program that pays benefits to workers who are unemployed or working reduced hours. This booklet explains the Unemployment Insurance program and answers frequently asked questions. It does not take the place of the Nebraska Employment Security Law, which governs Unemployment Insurance. Not everyone who is unemployed qualifies for benefits. Eligibility requirements are outlined in this booklet.

It is up to you to follow these instructions to protect your rights and benefits. If there is something you do not understand be sure to ask for an explanation. If you do qualify to receive benefits, it will be four to six weeks from the date this booklet is mailed to you for your claim to be completed.

## FILING FOR WEEKLY BENEFITS

### To Do List

- File a Weekly Claim every week by internet or telephone
- Be available for scheduled interviews

*If instructed, also do the following:*

- Register for work with the Workforce Development Career Center (see inside back cover for locations) or online.
- Make two (2) work search contacts every week and keep a written record.

**You must file a weekly benefit claim every week.**

Unemployment Insurance Claims may be filed by:

- 1) **Filing online at  
NebraskaWorkforce.com**
- 2) **Calling (402) 458-2500**

Please Note: If you have Nebraska-only employment the online application is the most direct means to file a claim.

The 402.458.2500 telephone number is operational 24 hours a day, seven days a week. At the end of each week, you have from 12:01 AM Sunday until Midnight the following Friday to file your weekly claim for that Benefit Week.

If your answers to the questions indicate that you have met all the eligibility requirements, your claim will be processed for payment.

You may be told to call the Claims Center within three working days during normal business hours (Mon-Fri 8:00 am to 5:00 pm CT). If you are instructed to call the Claims Center, you must do so or benefits may be denied.

### What Do I Need To File A Claim?

Claiming Weekly Benefits will be much easier if you take time to prepare.

1. Have paper and pencil handy to write down information that you may need if instructed to contact the Claims Center.
2. Be sure you have your Social Security Number and know your Personal Identification Number (PIN).
  - a. The PIN is what was set when you filed your initial claim. If you forget your PIN or think someone knows it, call or go online to reset it.
3. Be prepared to enter your bank

routing number and account number if you will be selecting Direct Deposit as your method of payment rather than a Debit Card.

4. If you worked during the week you are going to claim, be sure that you know the GROSS amount you earned during the week. This is how much you earned before any deductions. Gross wages must be reported when earned, not when paid. **This is very important as benefits paid will now be based on actual gross earnings. Incorrect reporting may result in overpayment or underpayments.**

## How Do I Continue Claiming Weekly Benefits?

Once you are prepared to file your claim, go to [NebraskaWorkforce.com](http://NebraskaWorkforce.com) and click on Unemployment Insurance. Call 402.458.2500.

If you do not have internet access, the telephone will prompt you to enter your information and assist you in completing the process.

**If you get disconnected or hang up before you are told your claim has been accepted and you hear “Goodbye,” you will need to call and file again.**

Internet filers will know the claim has been completed upon receipt of a confirmation number.

## When Can I Expect My First Payment?

If there are no issues on your claim that may disqualify you, and you have filed at least two weekly claims, you can normally expect your first payment by the third Wednesday after you filed your claim.

## What Is A Waiting Week?

After you file a claim, the first eligible week is a “waiting week.” **You will NOT receive an Unemployment Insurance payment for this week.** However, you must still file a claim and be otherwise eligible for your waiting week. **If for any reason your benefits are denied for the beginning weeks of your claim, your waiting week will be your first eligible week after the denial period.** A week that is prior to the effective date of the claim or a week that is under disqualification for any reason cannot be used as the waiting week. *NESL: 48-627 (4)*

## How Is My Weekly Benefit Amount (WBA) Determined?

Your Weekly Benefit Amount is determined by the highest quarterly wages paid in your base period. These wages are reported by all insured employers that you worked for during your base period. The WBA is set at one-half of your average weekly wage rounded down to the nearest even dollar amount. Your WBA cannot exceed one-half the State Average Weekly Wage as calculated annually. *NESL: 48-625.* Further information can be found online or through a Claims Center representative.

To calculate your potential WBA, find the earnings from the quarter you were paid the most money, divide that number by 13 to get your average weekly wage, and then divide by 2 and round down to nearest even dollar amount. The weekly benefit amount cannot exceed \$308 in 2009.

Example: Highest earning quarter =  $\frac{5590.44}{13}$   
Weekly wage =  $\frac{430.03}{2}$

Weekly Benefit Amount = \$215.01  
(Rounded down to \$215)

## **What To Do If I Disagree With My Weekly Benefit Amount?**

Once the processing of your claim is complete, you will be sent a Notice of Monetary Determination. This will show the maximum amount of benefits payable and your WBA. It will also show the wage amounts used to determine this figure. Notify the Claims Center if you think these amounts are incorrect. You may file a Notice of Appeal.

## **What If I Have Earnings while Claiming?**

You must always report gross earnings (before deductions) for any week you claim during which you worked. If you earned less than your weekly benefit amount for that week, you may be eligible for some benefits. If your gross earnings equal or exceed your weekly benefit amount, your claim will be stopped. Contact the Claims Center to reopen your claim during any week you do not work or your earnings are less than your weekly benefit amount. Earnings are any form of payment received for services performed including cash payments, tips, commissions, allowances for meals or lodging, vacation pay and bonuses.

According to **NESL:48-625**, **Not reporting all work and income for weeks that benefits are claimed will result in having to repay the benefits improperly received and may result in loss of rights to future benefits or criminal prosecution.**

KEEP RECORDS, YOU MAY BE AUDITED.

## **What Do I Do If I File a Late Claim?**

It is important to file your weekly claim on time. You may file online or by calling 402.458.2500. If unable to complete your claim on Sunday or Monday, you must file by

Friday or your claim may be denied. This will apply to the week the claim was late and all intervening weeks prior to the date you filed late. Should this occur, contact the Claims Center to re-establish your claim. **NAC 219, Chapt 2, 003, C, D**

## **What If I Have A Change of Address?**

Notify the Claims Center of any address changes via Internet or by calling during business hours.

## **What If I Want To Change My Payment Option**

You may do so online at [NebraskaWorkforce.com](http://NebraskaWorkforce.com) or by calling 402.458.2500 and selecting Option 6.

## **Are Taxes Withheld From My Unemployment Payment?**

You may elect to withhold 10% of your weekly payments toward your Federal Income Tax obligations, which can be done either online or by calling the Nebraska Claim Center. Note: for 2009 the American Recovery and Reinvestment Act has exempted the first \$2400 of unemployment insurance benefits from tax liability. Any prior withholding is only recoverable from the Internal Revenue Service.

## **How Long Can I Claim?**

There is a maximum of twenty-six times your weekly benefit amount is payable within your Claim Benefit Year, which is a fifty-two week period from when you file your claim. There may be less than twenty-six weeks payable if you receive a disqualification reducing your total unemployment benefit amount. **NESL:48-626**

## SEEKING WORK

### How Do I Register For Employment Service?

If you are not returning to your former employer, industry or do not find work through a Union hiring hall, it will be necessary to register for work. The Nebraska Workforce Development Career Centers will help you find a job at no cost to you. You can file and submit an online registration by visiting [NebraskaWorkforce.com](http://NebraskaWorkforce.com). Click on Employment Services Application. The application will not be considered complete until a Career Center representative contacts you. Filing an application with Job Link does not meet registration requirements.

If you are filing an initial Nebraska unemployment claim from another state, you will be notified by the State where you live about what is necessary in order to register for work. *NESL:48-627(1)*

### What Are My Work Search Requirements?

You must make an ACTIVE search for work each week you claim benefits. It is required that you make a minimum of two contacts with prospective employers in-person or via mail, telephone or Internet.

**You must be able to present evidence of your work search contacts, they are subject to verification. Keep a record of contacts and contact dates, make sure the record is complete and accurate as false reporting may be considered fraud.**

The active work search requirement may be waived if your are on a temporary layoff with a definite return to work date, attached to certain industries or are a member in good standing with a Union hiring hall. *NAC 219, Chap 4, NAC 219, Chap 2, 003, B*

The Claims Center staff will advise you of your work search requirements.

### What Are Reemployment Services?

The Nebraska Workforce Development-Department of Labor participates in a special program designed to help you find work. The program selects individuals early in their unemployment and offers services that may quicken their reemployment. **If you receive a notice that you have been selected, you are required to contact the Career Center as directed, in order to continue receiving your unemployment benefit payments.**

QUALIFYING FOR BENEFITS

QUALIFYING FOR BENEFITS

How Much Must I Have Earned

To Qualify For Benefits?

You must have been paid gross wages of \$2781.00 or more in your base period with at least \$800.00 in each of two quarters of your base period. These wages must be earned from employers required to pay Unemployment Insurance Taxes (insured employers). *NESL:48-602(1)* If you are not sure whether your work is insured employment, you should file a claim and an investigation will be made to find out if you can receive these benefits.

What Is A Claim Base Period?

A base period is the time period of employment used to qualify you for your claim. A quarter consists of 3 consecutive months; each calendar year is broken up into 4 quarters. The base period is the first 4 of the last 5 completed quarters at the time of your claim.

If your claim is filed effective in

OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	*	JAN FEB MAR		
	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	*	APR MAY JUN	
		APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	*	JUL AUG SEP
			JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	*
LAST YEAR				THIS YEAR			

YOUR BASE PERIOD IS THE SHADED AREA IN THE SAME ROW



## ELIGIBILITY ISSUES & DISQUALIFICATION

### What Is An Eligibility Issue?

An eligibility issue is any information or circumstances that raise a legal question about whether or not you should be paid Unemployment Insurance benefits. This could deny, suspend or reduce your benefits under the Nebraska Unemployment Insurance laws.

### What Are Fact-Finding Interviews?

Fact-Finding interviews give you and your employer an opportunity to present facts before a decision is made as to whether or not you are eligible for Unemployment Benefits. You will first be contacted concerning eligibility issues by telephone, or by a Notice to call the Nebraska Claim Center. This is your opportunity to discuss issues pending before the determination of your benefit eligibility. We must hold payments while investigating eligibility issues, but it is important that you keep filing your weekly claims for benefits.

You should prepare yourself for this call by having the following ready:

- Reason for separation from your employer
- Dates when events happened causing the separation
- Calendar, pen and paper
- Witnesses' names as well as supervisors' names involved with the separation.
- Written documents such as warnings, medical slips (if applicable)
- Check stubs verifying vacation pay, severance pay, holiday pay, or bonus pay, if applicable
- Any questions you may have

If you are not available for your telephone interview; a determination will be made based upon available information.

**Common disqualifications are outlined in the table on the following page.**

### What If I Am Considering A Training Program?

If you have applied for Unemployment Insurance benefits and are thinking of attending vocational training, you may apply for Approved Training. If your application is approved by the Commissioner of Labor, the work search requirements will be waived effective from the date training starts. No additional benefits, tuition or school expenses will be paid under this program. Speak with the Claims Center for additional information. *NAC 225, Chap 1*

### What Is A Written Determination? (Form UI-410)

After the investigation of an eligibility issue is complete, you will be notified of the decision in writing. This will explain the determining factors for the decision and how that decision affects your claim. If you do not understand, please call the Claims Center. **If you wish to appeal, continue to file your weekly claim for benefits. NESL:48-630**

Prior to the filing of an appeal, you have the option of protesting that determination and providing new information that may result in a redetermination of eligibility. Any protest does not extend the appeal period of 20 days from date of original determination. *NESL: 48-631*

<b>COMMON DISQUALIFICATIONS</b>	
<i>Disqualification</i>	<i>Length of Disqualification &amp; Consequences</i>
Voluntary Quit Without Good Cause	Week of quit + 12 weeks, and/or up to 12 weeks reduction in benefits.
Voluntary Quit To Take A Job	Week of quit + 1 week, and/or 1 week reduction in benefits.
Discharge for Ordinary Misconduct	Week of discharge + 12 weeks, and/or up to 12 weeks reduction in benefits.
Discharge for Gross Misconduct	Week of discharge + 12 weeks disqualification & cancellation of wages (applies to all employment) from date of act prior to misconduct.
Discharge for Aggravated Misconduct	Week of discharge + 12 weeks disqualification & cancellation of wages (from employment in which the misconduct occurred) from date of act prior to the misconduct.
Labor Dispute	Time of unemployment resulting from a strike or lockout.
Refusal of Work Suitable Employment or Referral	Week of refusal/referral + 12 weeks and/or up to 12 weeks reduction in benefits.
Ability to Work (less than 4 days a week)	Benefits denied for that week.
Ability to Work	Benefits denied for the period of time in which ability to work is at issue.
Availability to Work (less than 4 days in a week)	Benefits denied for that week.
Availability to Work	Benefits denied for the period of time in which availability to work is at issue.
Attending School, Exception for Approved Training Program	Disqualification unless earned majority of base period wages while in school.
Vacation, Severance or Receipt of Other Payments	Benefits denied or reduced in any week in which other payments were made.
School Employees	Denied between terms or during regularly scheduled breaks.

More information on specific disqualifications can be found under the **NESL: 48-625** and **NAC 219, Chapter 4**

## APPEALS

You have the right to appeal if you disagree with a determination. Your appeal must be received at the Claims Center within twenty calendar days from the date the determination was mailed.

### How Do I File an Appeal?

You can easily file your appeal online at [NebraskaWorkforce.com](http://NebraskaWorkforce.com) or in writing. You must state the reason you wish to appeal and include your signature, Social Security number and employer's name, if applicable. It should be addressed to the Claims Center as shown on the notice. Appeal hearings are free and a lawyer is not required, although you may be represented at your own expense. Appeal hearings will be conducted by telephone conference call.

### What Happens After the Appeal is Filed?

You will be notified by the Nebraska Appeal Tribunal that your appeal has been received. In a separate notice, you will be informed of the time and date of your hearing. Either party to a determination can file an appeal so you may become involved if your employer files an appeal. Follow all instructions by the Appeal Tribunal to protect your own interests. It is important that you participate in the hearing.

### What If I Disagree With The Appeal Decision?

You may appeal to the District Court.  
**NESL:48-638**

## REOPENING YOUR CLAIM

This can be done online at [NebraskaWorkforce.com](http://NebraskaWorkforce.com) or by calling 402.458.2500.

### What If I Return To Work and Become Unemployed Again?

After you start working, if you again become unemployed, contact your Claims Center during the week in which you wish to begin claiming benefits. Your claim reopening is effective for the week in which you notify the Claims Center.

### What If I Quit or I Am Terminated After Returning To Work?

If you return to work after you file your claim and you quit or are terminated from this job, you must notify the Claims Center so this employment can be added to your claim. Even though your claim may not be based on recent employment, a disqualification may be assessed due to this separation as the wages may be used for future eligibility.

## YOUR UNEMPLOYMENT RECORDS

### What Are My Privacy Rights?

Your individual claim records are available by calling one of the information and assistance telephone numbers. Information about your claim will only be given to you. We cannot give information to a family member.

### Why Is Verifying Employment Eligibility Important?

The Immigration Reform and Control Act of 1986 (P.L.- 99-803) requires all employers to verify employment eligibility of new employees. When an employer hires you, the employer will require that you show certain documents to prove your identity and employment eligibility. Failure to present the documents to your employer or

# BENEFIT OVERPAYMENT, ACCURACY REVIEWS & FRAUD

the Department of Labor may affect your eligibility for unemployment benefits.

## **Are Unemployment Benefits**

### **Taxable Income?**

Unemployment insurance is taxable income. Each year all of your benefit payments are reported to the IRS. For 2009, the first \$2400.00 in benefits are not taxable. You can ask to have federal taxes withheld from your unemployment payments or make estimated tax payments. If you decided to have taxes withheld, 10% will be deducted for federal tax withholding from your weekly benefit payment. At the end of the year, 1099 UC will be mailed to you for tax filing purposes.

## **BENEFIT OVERPAYMENT, ACCURACY REVIEWS & FRAUD**

### **What Is An Overpayment Recovery?**

If you are paid more than you are eligible to receive, you will be notified in writing that you have been overpaid. All overpayments must be repaid. You may contact the Benefit Payment Control Unit to set up a repayment schedule if you are unable to repay the entire amount at one time. Otherwise, weekly benefit payments may be intercepted and applied towards your overpayment. In addition, the Department of Labor can recover overpayment by intercepting your State Income Tax refund. *NESL: 48-665*

### **What Are Benefit Accuracy Reviews?**

Unemployment insurance uses several methods to review the accuracy of benefit payments. Claims are selected at random each week for audit. Investigators check claims by interviewing claimants and employers to

detect and reduce error and fraud. Denials are also reviewed.

Another review matches wage reports we receive from employers each quarter with benefit payments shown on our files to determine if unemployment benefits were paid correctly. Incorrect or unreported wages can result in a person having to repay overpayment or pay a fine if earnings were concealed in order to obtain benefits.

### **What Is Fraud?**

Failure to report information that affects your eligibility for unemployment benefits may be an act of fraud. Falsely reporting information on your initial claim application or weekly claim certifications may also be an act of fraud. *NESL: 48-663, 663.01*

The penalties for fraud and concealment are severe. In addition to repaying any overpaid benefits, penalties include:

- Loss of future unemployment benefits
- Court fines and a criminal record
- Jail and a criminal record

### ADDITIONAL INFORMATION

#### **What If I Get A Notice To Contact The Claims Center?**

If you are notified to contact the Claims Center or a Workforce Development Career Center, either by telephone or in-person, you must follow the instructions provided. If unable to make contact, report, or be available at the scheduled time, contact your Claims Center before the scheduled meeting.

#### **What If My Benefits Run Out?**

Once your benefits are exhausted, you will need to wait until your benefit year has ended to file a new claim unless earnings from another state qualify you for a claim from that state. If an extended benefits program is available, you will be notified by mail.

A benefit year is the period during which you can claim benefits beginning with the week that you file your claim and running for fifty-two weeks. In addition to meeting the wage requirements for a new claim, you must also have income with an insured employer equal to six times your previous weekly benefit amount since filing your last claim.

#### **Other Available Assistance Programs**

#### **What Is Trade Adjustment Assistance?**

If you are unemployed because of the effects of foreign trade, you may be eligible for special benefits under the Trade Adjustment Assistance (TAA) program.

### **Equal Opportunity Is the Law**

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially-assisted program or activity. The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIA Title I financially-assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

### **What to Do If You Believe You Have Experienced Discrimination**

If you think that you have been subjected to discrimination under a WIA Title I financially-assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with:

Joyce Welsch, EO Officer  
Nebraska Workforce Development  
Department of Labor  
550 S. 16<sup>th</sup> Street  
P.O. Box 94600  
Lincoln, NE 68509-4600  
402-471-4957 TDD 800-833-7352

*OR*

Director, Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Avenue NW, Room N-4123  
Washington, DC 20210

If you file your complaint with the EO Officer, you must wait either until a written Notice of Final Action is issued, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center. If you do not receive a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the EO Officer).

If you receive a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

# NEBRASKA WORKFORCE DEVELOPMENT CAREER CENTERS - STATEWIDE

## Alliance

302 Box Butte. Ave  
Alliance, NE 69301  
(308)763-2935

## Beatrice

5109 W. Scott Rd.  
Suite 413  
SECC Adams Hall  
Beatrice, NE 68310  
(402)223-6060

## Columbus

3020 18<sup>th</sup> St  
Suite 1  
Columbus, NE 68601  
(402)564-7160

## Fremont

835 N. Broad St  
Suite 102  
Fremont, NE 68025  
(402)727-3250

## Grand Island

1306 W 3<sup>rd</sup> St  
Grand Island, NE 68801  
(308)385-6300

## Hastings

2727 W 2<sup>nd</sup> St  
Suite 338  
Hastings, NE 68901  
(402)462-1867

## Lexington

1308 N Adams  
Lexington, NE 68850  
(308) 324-2064

## Lincoln

1010 "N" St  
Lincoln, NE 68508  
(402) 471-2275

## McCook

220 W 1<sup>st</sup> St  
McCook, NE 69001  
(308) 345-8470

## Nebraska City

917 Wildwood Lane  
Suite J  
Nebraska City, NE 68410  
(402) 873-3384

## Norfolk

105 E Norfolk Ave  
Suite 100  
Norfolk, NE 68701  
(402) 370-3430

## North Platte

306 E 6<sup>th</sup> St  
Suite 140  
North Platte, NE 69101  
(308) 535-8320

## Omaha

Blue Lion  
2421 N 24<sup>th</sup> St  
Omaha, NE 68110  
(402)444-4700

## 5717 F St

Omaha, NE 68117  
(402)595-3000

## Scottsbluff

1930 E 20<sup>th</sup> Pl.  
Suite 200  
Scottsbluff, NE 69361  
(308) 632-1420

## Sidney

923 8<sup>th</sup> Ave  
Sidney, NE 69162  
(308) 254-6937

## York

510 Lincoln Ave  
York, NE 68467  
(402) 362-5891

# CLAIMS SERVICES & HOURS OF OPERATION

## ONLINE

[NebraskaWorkforce.com](http://NebraskaWorkforce.com)

### **File A New Claim, Reopen A Claim, Check Your Payment Status**

24 hours a day, 7 days a week

### **File Weekly Claim**

From Sunday 12:01 am to Midnight Central Time the following Friday

### **ReliaCard**

[ReliaCard.com](http://ReliaCard.com)

## BY TELEPHONE

402.458.2500 Claims Center

**You may experience long hold times on Monday. Please consider calling Tuesday through Thursday.**

### **File A New Claim or Reopen A Claim**

Claims Specialists are available Monday-Friday 8:00 am to 5:00 pm Central Time

### **File Weekly Claim**

Sunday 12:01 am-Midnight the following Friday Central Time

### **Check Your Payment Status**

24 hours a day, 7 days a week

### **ReliaCard**

1.866.276.5114

### **For All Other Inquiries and Assistance**

Claims Specialists are available Monday-Friday 8:00 am to 5:00 pm Central Time

### **Deaf and Impaired Hearing**

TTY Lincoln 402.471.0016

**NOTE:** The automated features of the system require detecting the tone created by pressing keys on the telephone keypad. The tone quality of some cellular and cordless phones may affect the caller's ability to complete the call.